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<b>PLEASE DELIVER THE ACCOMPANYING TELECOPIED MATERIAL TO:</b>	<b>TRANSMITTAL DATE:</b> Jul 27, 2001
<b>NAME:</b> Francine Young	<b>CLIENT/MATTER NO:</b> 5853-186US
<b>PHONE:</b> 703 350 3662	<b>TOTAL PAGES:</b> 5
<b>FIRM/COMPANY NAME:</b> USPTO	<b>CITY, STATE:</b>

**SENDER'S NAME:** Gregory A. Nelson**Re: Application No. 09/856,416**

Attached please find the Response to Notification of Defective Response.

**PLEASE CALL (561) 653-5103**  
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**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being transmitted to the Commissioner for Patents, Washington, DC 20231 via facsimile to fax number (703)306-3230 on July 27, 2001.

  
Gregory A. Nelson, Registration No. 30,577

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Application of TALTON, *et al.*

Application No. 09/856,415

Examiner:

Filing Date: May 18, 2001

Group Art Unit:

For: **METHODS FOR PREPARING COATED DRUG PARTICLES AND PHARMACEUTICAL FORMULATIONS THEREOF**

**TRANSMITTAL LETTER**

Box PCT  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

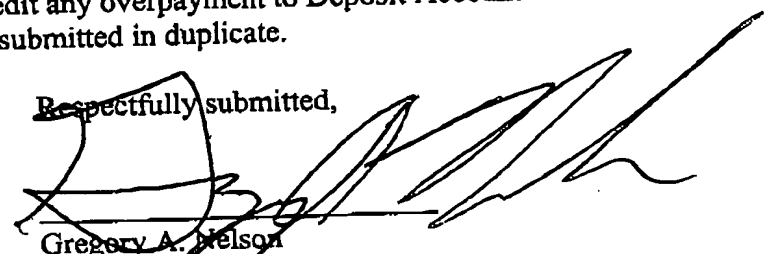
Please find enclosed for filing:

- ☒ Response to Notification of Defective Response
- ☒ Copy of Notification of Defective Response
- ☒ Copy of PCT Form IB306
- ☒ Please charge any deficiencies or credit any overpayment to Deposit Account No. 50-0951. This Transmittal Letter is submitted in duplicate.

Date:

27 July 2001

Respectfully submitted,

  
Gregory A. Nelson  
Registration No. 30,577  
Akerman, Senterfitt & Eidson, P.A.  
222 Lakeview Avenue, Suite 400  
Post Office Box 3188  
West Palm Beach, FL 33402-3188  
Telephone: (561) 653-5000

Docket No. 5853-186US

CERTIFICATE OF FACSIMILE TRANSMISSION

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Gregory A. Nelson, Registration No. 30,577

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of TALTON, *et al.*

Application No. 09/856,415

Examiner:

Filing Date: May 18, 2001

Group Art Unit:

For: METHODS FOR PREPARING COATED DRUG PARTICLES AND PHARMACEUTICAL FORMULATIONS THEREOF

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RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE

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Commissioner for Patents  
Washington, D.C. 20231

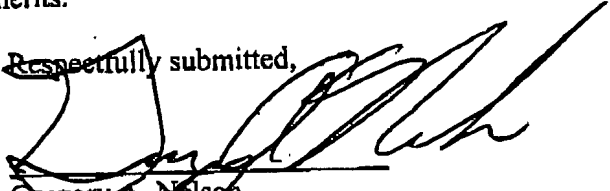
Sir:

In the above-identified application, Applicant has received a Notification of Defective Response mailed July 13, 2001, indicating that the Oath or Declaration filed with the above-identified application on May 18, 2001 was not in compliance with 37 CFR 1.497(a) and (b). Applicant hereby submits the Notification of The Recording of a Change, PCT Form IB-306, which identifies James M. Fitz-Gerald as an inventor of the above-identified application. Applicant has also included a copy of the Notification of Defective Response dated July 13, 2001.

Applicant requests examination on the merits.

Date: 27 July 2001

Respectfully submitted,

  
Gregory A. Nelson  
Registration No. 30,577  
Akerman, Senterfitt & Eidson, P.A.  
222 Lakeview Avenue, Suite 400  
Post Office Box 3188  
West Palm Beach, FL 33402-3188  
Telephone: (561) 653-5000

Docket No. 5853-186US

## PATENT COOPERATION TREATY

DOCKETING DEPT.

PCT JUN 13 2000

From the INTERNATIONAL BUREAU

NOTIFICATION OF THE RECORDING  
OF A CHANGE(PCT Rule 92bis.1 and  
Administrative Instructions, Section 422)

T :

MOORE, Mark, D.  
Williams, Morgan & Amerson, P.C.  
7676 Hillmont  
Suite 250  
Houston, TX 77040  
ETATS-UNIS D'AMERIQUE

Date of mailing (day/month/year)  
24 May 2000 (24.05.00)

Applicant's or agent's file reference  
4300.012910

International application No.  
PCT/US99/27401

## IMPORTANT NOTIFICATION

International filing date (day/month/year)  
18 November 1999 (18.11.99)

1. The following indications appeared on record concerning:

☒ the applicant☒ the inventor☐ the agent☐ the common representative

Name and Address

DOCKETED ☐ UPDATED ☒  
Previous ☐ Not Required ☒  
Action Required: \_\_\_\_\_  
DATE DUE: \_\_\_\_\_  
Checked: \_\_\_\_\_

State of Nationality

State of Residence

Telephone No.

Facsimile No.

Teleprinter No.

2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:

☒ the person☒ the name☒ the address☐ the nationality☐ the residence

Name and Address

FITZ-GERALD, James, M.  
Navy Research Laboratory  
Code 6372 - Building 74  
4555 Overlook Avenue, SW  
Washington, DC 20375  
United States of America

State of Nationality  
US

State of Residence  
US

Telephone No.

Facsimile No.

Teleprinter No.

3. Further observations, if necessary:

Additional inventor and applicant for US only. PLEASE URGENTLY PROVIDE A POWER OF ATTORNEY  
SIGNED BY ALL THE OTHER APPLICANTS.

4. A copy of this notification has been sent to:

☒ the receiving Office☒ the International Searching Authority☐ the International Preliminary Examining Authority☒ the designated Offices concerned☐ the elected Offices concerned☐ other:

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Authorized officer

Philippe Bécamel

Facsimile No.: (41-22) 740.14.35

Telephone No.: (41-22) 338.83.38

003304943



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/856415	TALTON	J 5853-186US
INTERNATIONAL APPLICATION NO.		
PCT/US99/27401		
I.A. FILING DATE	PRIORITY DATE	
18 NOV 99	18 NOV 98	

AKERMAN SENTERFITT & EIDON  
POST OFFICE BOX 3188  
WEST PALM BEACH, FL 33402 3188

DATE MAILED:

13 JUL 2001

## NOTIFICATION OF A DEFECTIVE RESPONSE

- ☐ The request for an extension of time (37 CFR 1.136(a)) filed \_\_\_\_\_ is defective because the required fee is missing/insufficient. Extension of time fees are listed at 37 CFR 1.17(a)(1)-(a)(5).
- ☐ Applicant's response filed \_\_\_\_\_ was received in the Office after the expiration of the period for response set in the Office notification mailed \_\_\_\_\_. This application will become abandoned unless applicant obtains an extension of time to reply to the last Office notification under 37 CFR 1.136(a).
- ☒ Applicant's response filed 02 JULY 2001 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS (Form PCT/DO/EO/905) mailed \_\_\_\_\_ have not been completed.

- ☐ Translation of the international application into English.
  - ☐ which is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☐ Processing fee (37 CFR 1.492(f)).
- ☒ Oath or Declaration of inventors(s).
  - ☒ not in compliance with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- ☐ Surcharge (37 CFR 1.492(e)).
- ☐ Sequence Listing.
  - ☐ not in compliance with 37 CFR 1.821-1.825 for the reasons indicated on the attached PCT/DO/EO/920.
- ☐ Additional claim fees.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements (Form DO/EO/905), whichever is the longer. No extension of this time limit may be granted under 37 C.F.R. § 1.136, but the period for response set in the Notification of Missing Requirements (Form DO/EO/905) may be extended under 37 C.F.R. § 1.136(a).

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

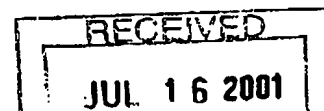
Enclosed: ☒ PCT/DO/EO/917 ☐ Notice of Defective Translation  
☐ PCT/DO/EO/920

Francine Young

Telephone: 703-305-3662

FORM PCT/DO/EO/916 (March 2001)

DOCKETED





## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/856415	TALTON	J 5853-186US
INTERNATIONAL APPLICATION NO.		
PCT/US99/27401		
I.A. FILING DATE	PRIORITY DATE	
18 NOV 99	18 NOV 98	
DATE MAILED: 13 JUL 2001		

AKERMAN SENTERFITT & EIDON  
POST OFFICE BOX 3188  
WEST PALM BEACH, FL 33402 3188

### NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371(c)(4) for entry into the national stage in the United States of America. The period within which to correct the deficiency noted below and avoid abandonment is set in the accompanying Notification.

A new oath or declaration, properly identifying this application (preferably by the international application number and international filing date) is required. The oath or declaration does not comply with 37 CFR 1.497(a),(b) and (f) in that it:

1. ☐ is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
2. ☐ does not identify the application to which it is directed.
3. ☒ does not identify the inventor(s). (Fitzgerald, J)
4. ☐ does not identify the citizenship of each inventor.
5. ☐ does not state that the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

**FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b), AND 1.497(d) WHERE APPROPRIATE, WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.**

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

1. ☐ does not identify the mailing address of each inventor. If the residence is different from the mailing address, then the city and state or city and foreign country of residence of each inventor must also be given.
2. ☐ does not state that the person making the oath or declaration:
  - a. ☐ has reviewed and understands the contents of the application, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
  - b. ☐ acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56.
3. ☐ does not identify the foreign application for patent or inventor's certificate for which a claim for priority is made pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.

 Francine Young  
Telephone: 703-305-3662